



BILLING CODE 6717-01-P
DEPARTMENT OF ENERGY
FEDERAL ENERGY REGULATORY COMMISSION

Tygart, LLC

Project No. 12613-004

NOTICE OF APPLICATION ACCEPTED FOR FILING, SOLICITING
MOTIONS TO INTERVENE AND PROTESTS, READY FOR ENVIRONMENTAL
ANALYSIS, AND SOLICITING COMMENTS, RECOMMENDATIONS,
PRELIMINARY TERMS AND CONDITIONS, AND PRELIMINARY FISHWAY
PRESCRIPTIONS

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

- a. Type of Application: Original Major License
- b. Project No.: 12613-004
- c. Date Filed: April 30, 2013
- d. Applicant: Tygart, LLC
- e. Name of Project: Tygart Hydroelectric Project
- f. Location: The proposed project would be located at the U.S. Army Corps of Engineers' (Corps) Tygart Dam on the Tygart River in Taylor County, West Virginia. The project would occupy 1 acre of federal land managed by the Corps.
- g. Filed Pursuant to: Federal Power Act, 16 USC 791 (a)-825(r)
- h. Applicant Contact: David Sinclair, President, Advanced Hydro Solutions, 3000 Auburn Drive, Suite 430, Beachwood, OH 44122-4340 or by email at David.Sinclair@advancedhydrosolutions.com
- i. FERC Contact: Allyson Conner, (202) 502-6082 or allyson.conner@ferc.gov
- j. Deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary prescriptions: 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. The first page of any filing should include docket number P-12613-004.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

- k. This application has been accepted for filing and is now ready for environmental analysis.
- l. The proposed project would utilize the Corps' existing Tygart Dam, and would consist of the following new facilities: (1) a 15-foot-wide by 21-foot-high steel intake structure; (2) a 270-foot-long penstock which would bifurcate into a 110-foot-long and a 150-foot-long penstock; (3) a 121-foot-long by 99-foot-wide concrete powerhouse; (4) two unequal-sized turbines with a combined capacity of 30 megawatts; (5) an excavated 60-foot-wide by 160-foot-long tailrace; (6) a 1.54-mile-long transmission line; and (7) a switchyard with appurtenant facilities. The average annual generation is estimated to be 108,600 megawatt-hours.

The proposed project would operate in a run-of-release mode using flows made available by the Corps.

The proposed project boundary would enclose all of the generating facilities located on 1 acre of Corps' land as well as the transmission line located on 7 acres of privately owned land.

- m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance,

contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

Register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

- n. Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST", "MOTION TO INTERVENE", "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "PRELIMINARY TERMS AND CONDITIONS," or "PRELIMINARY FISHWAY PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

- o. Procedural Schedule:

The application will be processed according to the following revised Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

MILESTONE	TARGET DATE
Filing of recommendations, preliminary terms and conditions, and preliminary fishway prescriptions	October 13, 2013
Commission issues EA	February 10, 2014
Comments on EA	March 12, 2014
Modified terms and conditions	May 11, 2014

- p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.
- q. A license applicant must file no later than 60 days following the date of issuance of the notice of acceptance and ready for environmental analysis provided for in 5.22: (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) the evidence of waiver of water quality certification.
- r. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

Dated: August 14, 2013

Kimberly D. Bose,
Secretary.

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